

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

RICHARD H. WARREN,

Plaintiff,

v.

No. C10-5239 RBL/KLS

DEPARTMENT OF CORRECTIONS,
MCNEIL ISLAND CORRECTION
CENTER, STATE OF WASHINGTON,
MCNEIL ISLAND CORRECTION
CENTER HEALTH SERVICE UNIT,
DR. FRANK LONGANO, LINDA
BODINE, KENNETH TAYLOR, RON
VAN BOENING, ELDON VAIL, ROB
MCKENNA, NANCY ARMSTRONG,
and JAMES ANDERSON,

Defendants.

ORDER DENYING MOTION FOR
DISCOVERY

Before the court is Plaintiff's motion for discovery and disclosure. ECF No. 38.

Plaintiff is advised that his case is exempt from the rules requiring initial disclosures. *See*, Fed. R. Civ. P. 26 (a)(1)(B)(iv). Further, Plaintiff has not sent any discovery requests to Defendants. ECF No. 43. The Pretrial Scheduling Order states that all discovery in this matter should be completed by February 25, 2011. ECF No. 28.

Plaintiff is directed to Rules 26 through 37 of the Federal Rules of Civil Procedure, which govern the scope and limits of discovery. The discovery rules provide each party with time

1 limits for responding to discovery requests and require that before a motion seeking an order
2 compelling discovery may be filed with the Court, the parties must confer in good faith in an
3 attempt to resolve their differences. Fed. R. Civ. P. 37(a)(2)(B).

4 Plaintiff must first serve the opposing parties with his discovery requests and allow thirty
5 days for the parties to fail to respond to his discovery requests. Should the party not timely
6 comply with the request, the Plaintiff must, prior to filing a motion to compel, meet and confer
7 with Defendants or counsel for Defendants in an attempt to resolve any discovery issues as
8 required by Fed. R. Civ. P. 37(a)(2)(B). Then, when Plaintiff files his motion to compel, he must
9 include a certification with the motion that he has met and conferred in an attempt to resolve all
10 discovery disputes.
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12 Accordingly, Plaintiff's motion for discovery (ECF No. 38) is **DENIED**. The Clerk shall
13 send copies of this Order to Plaintiff and to counsel for Defendants.
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16 DATED this 13th day of January, 2011.

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19 Karen L. Strombom
20 United States Magistrate Judge
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